THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No. 23512 of 2006

Dated: 29.11.2006

Avula Lakshmi.

..Petitioner

Vs

The Superintendent of Police,
Guntur District and another.

..Respondents.

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No.23512 of 2006

O R D E R (per the Hon'ble Sri Justice D. Appa Rao)

The petitioner sought production of her daughter-in-law Avula Anjamma and her sisters Kavati Mariyamma & Bhavani, and granddaughter Avula Dwaraka d/o Avula Anjamma the detenus by way of Writ of Habeas Corpus.

2) The petitioner averred that Smt. Avula Anjamma accompanied byher daughter Dwaraka and sisters Mariyamma and Bhavani went to Peda Kakani to pray in a Church on 6.11.2006, police constables belonging to Taluk Police Station, Guntur forcibly took away them and kept them in Guntur Taluk Police Station. Now she apprehends danger to the life of detenus. Therefore she filed this Writ of Habeas Corpus for production of the detenus.

3) R-2 filed counter affidavit inter alia stating that on 9.11.2006 one Muvva Subhadra Devi gave a report stating that some persons snatched away 'single row gold nanuthadu' from her neck and all of them fled away on a bike. Basing on which a case in Crime No.101 of 2006 under Section 379 IPC was registered. While on 9.11.2006 at about 8.45 A.M. on information that a woman along with two other men were moving in suspicious circumstances at Old Busstand, near Chandana Brothers, Guntur, the police constables went there and caught hold of the woman along with a baby. However, the two men had escaped. When interrogated, she revealed her name as Avula Anjamma the detenu No.1 herein and confessed to have committed several offences. She also produced the

stolen property concerned in the above said crime registered against her, which was recovered under cover of a Mediator's Report. On the very same day, she was produced before the learned VI Additional Munsif Magistrate, Guntur who remanded her to judicial custody and she is now in Sub Jail, Guntur. He further stated that the other detenus were not apprehended, as they were not involved in any offence. In fact, his enquiries revealed that detenus 2 and 3 are residing with Kavati Jayamma their maternal aunt at Stuvartpuram.

4) The fact that detenus 2 and 3 are free and moving is not disputed. Since the detenu-1 and her daughter Dwaraka are in judicial custody, nothing suvives for adjudication, in this writ petition.

5) The writ petition is, accordingly, dismissed. No costs.

JUSTICE J. CHELAMESWAR

JUSTICE D. APPA RAO,

29th November 2006.

BCS